

FOR THE UNITED STATES DISTRICT COURT
IN THE DISTRICT OF NEW MEXICO

GERALD TAYLOR,

Plaintiff,

v.

CIV No. 13-15 JCH/GBW

KATHLEEN M. HAYNES BURNS *et al.*,

Defendants.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDED
DISPOSITION**

This matter comes before the Court on Defendant Randall Burnett's Motion to Dismiss and accompanying briefing. (*Docs. 16, 17, 38, 45, 62, 66, 67, 70*). The Magistrate Judge filed a Proposed Findings and Recommended Disposition ("PFRD") concluding that Defendant's Motion be granted on the basis that Plaintiff has i) failed to establish Defendant Burnett is a state actor, requiring dismissal of his § 1983 claims; ii) Plaintiff's § 1985 claims are factually insufficient; and iii) Plaintiff's §§ 1986 and 1988 claims fail as a result of his inability to establish §§ 1983 or 1985 claims. (*Doc. 92*). Plaintiff has not filed any objections to the PFRD.

Upon a review of the record, I concur with the Magistrate Judge's findings and recommendations. Therefore, I ADOPT the Magistrate Judge's Report and Recommendations (*Doc. 92*) and GRANT Defendant Randall Burnett's Motion to Dismiss (*Doc.16*). All Plaintiff's claims against Defendant Burnett are hereby DISMISSED without prejudice, and he is dismissed as a defendant.


UNITED STATES DISTRICT JUDGE